

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #2	CCRB Case #: 201404880	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/16/2014 3:15 PM	Location of Incident: East 105th Street and Flatlands Avenue	Precinct: 69	18 Mo. SOL 11/16/2015	EO SOL 11/16/2015	
Date/Time CV Reported Mon, 05/19/2014 2:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 05/19/2014 2:30 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ralph Ramos	03260	931010	PBBS TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Yolanda Maldonado	31455	940072	PBBS TF
2. POM Michael Birch	11454	925053	069 PCT
3. POM Robert Rodriques	07164	927809	069 PCT
4. POM Alexis Bruno	20005	952502	069 PCT
5. POM Malik Wright	10318	951451	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ralph Ramos	Force: PO Ralph Ramos used physical force against § 87(2)(b) [REDACTED]	
B.POM Ralph Ramos	Abuse: PO Ralph Ramos stopped § 87(2)(b) [REDACTED]	
C.POM Ralph Ramos	Force: PO Ralph Ramos restricted § 87(2)(b) [REDACTED]'s breathing.	
D.POM Ralph Ramos	Abuse: PO Ralph Ramos searched § 87(2)(b) [REDACTED]	

Case Summary

On May 19, 2014, § 87(2)(b) filed this complaint in person at the CCRB on behalf of her son, § 87(2)(b).

On May 16, 2014, at approximately 3:15 p.m., § 87(2)(b) bumped into PO Ralph Ramos of the Brooklyn South Task Force on the southwest corner of the intersection of East 105th Street and Flatlands Avenue in Brooklyn. PO Ramos grabbed § 87(2)(b) and brought him to the ground (**Allegation A and Allegation B**). PO Ramos allegedly put his knee into § 87(2)(b)'s stomach and restricted his breathing (**Allegation C**). PO Ramos allegedly took § 87(2)(b)'s wallet and searched it for identification (**Allegation D**). § 87(2)(b) was not summonsed or arrested.

Mediation, Civil, and Criminal Conviction History

§ 87(2)(b) declined the option of mediation. A notice of claim has not been filed with regard to the incident as of September 16, 2014 (encl. 23). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 1b).
- PO Ramos has been a member of the NYPD for 12 years and has had four previous CCRB allegations involving two cases. In CCRB case #201013631, an allegation of vehicle stop was substantiated against PO Ramos and the Board recommended charges. The NYPD declined to prosecute and no disciplinary action was taken (encl. 1a).

Attempts to Obtain Video Footage

The investigator performed fieldwork at the incident location on May 22, 2014, six days after the incident (encl. 20a-20b). The investigator attempted to obtain video footage from Flatlands Mini Market, located at 104-24 Flatlands Avenue on the corner where the incident occurred. The store owner purported to lack the capability to access footage from previous days. The investigator attempted to access the footage but could not, and calls to the company that installed the surveillance system did not elicit a solution. The investigation eventually determined that the incident was captured on camera and that the subject officer and his partner were able to view it shortly afterward inside the Flatlands Mini Market.

Finding and Recommendations

Allegations Not Pleaded

- § 87(2)(g)

Recommendations

- **Allegation A—Force: PO Ralph Ramos used physical force against § 87(2)(b)**

§ 87(2)(b) who was § 87(2)(b) old at the time of the incident, recounted that he stepped back from a friend and turned to walk away (encl. 4a-4k). In the process his hand bumped into PO Ramos' shoulder. PO Ramos said, "C'mere, why are you grabbing me for?" and grabbed § 87(2)(b)'s shirt. § 87(2)(b) put his hands up and said, "I wasn't grabbing you." PO Ramos

pulled § 87(2)(b) to the ground by his shirt and § 87(2)(b) landed on his back. § 87(2)(b) started to cry. PO Ramos asked why he was grabbing him and § 87(2)(b) repeatedly said, “I’m not grabbing you, I’m not grabbing you, I’m sorry, I’m sorry.” PO Ramos brought § 87(2)(b) to his feet and led him to stand in front of the corner store. During this time PO Ramos insisted that § 87(2)(b) had not bumped into him but had grabbed him, and that he had to take action because he thought § 87(2)(b) was reaching for his weapon.

§ 87(2)(b) § 87(2)(b)-year-old sister, § 87(2)(b) recounted seeing the incident from inside a vehicle on East 105th Street that was stopped a red light at the intersection with Flatlands Avenue (encl. 6b). She saw § 87(2)(b) walk past PO Ramos and either bump shoulders or hands with him. PO Ramos grabbed § 87(2)(b) s right hand, spun him around, and pushed him to the ground so that he landed on his stomach. When she ran to the scene, § 87(2)(b) heard PO Ramos say that he felt like he was in danger. § 87(2)(b) s uncle, § 87(2)(b) was driving the vehicle from which she saw the incident. He did not see PO Ramos bring § 87(2)(b) to the ground, but when he approached afterward, he heard PO Ramos say that § 87(2)(b) had bumped into him when his back was turned and that he put § 87(2)(b) on the ground because he felt like he had to defend himself (encl. 7).

PO Ramos recounted that he had just begun a traffic stop on Flatlands Avenue between East 105th Street and East 104th Street when a storeowner approached, yelled that a teenager had stolen from him and pointed toward the intersection of Flatlands Avenue and East 105th Street (encl. 9h-9i). The storeowner then ran toward the intersection and PO Ramos followed. Upon reaching the intersection, PO Ramos learned that the teenager had escaped on an MTA bus. He stood on the corner with his back to Flatlands Avenue while he spoke to the storeowner. There were approximately 50 children and teenagers on and around the corner as school had recently let out. There were no other officers present. PO Ramos suddenly felt someone “jolt” him in the back. He moved forward slightly but was not moved off balance and could not tell what had made contact with him. Immediately after being jolted, he felt a hand move across the middle of his back from his left to his right. He could not tell if it was an open hand or a closed fist. When asked what he thought was happening at the time, PO Ramos said, “My assumption was that there was a teenager trying to hurt me.” PO Ramos’ legal representative asked him on which side of his body he wore his gun, prompting him to say that he wore it on his right hip and that, “Maybe possibly he was going after the gun. I don’t know.” When asked if he actually felt as though someone was reaching for his gun at the time, PO Ramos said, “No, not really. It just, you know, the thought came to my mind in a split second, like they were trying to hurt me, and possibly go after my gun. It was just an initial thought.”

PO Ramos “reacted for fear of [his] safety” and spun around. He saw § 87(2)(b) standing within an arm’s length and looking at him. § 87(2)(b) s hands were at his sides. PO Ramos immediately grabbed § 87(2)(b) by his lapels because he was afraid that § 87(2)(b) was trying to harm him and he wanted to determine § 87(2)(b) s intentions. § 87(2)(b) s legs went limp and he began to fall backwards. PO Ramos guided him to the ground on his back. He denied pulling § 87(2)(b) down or slamming him to the ground. He repeatedly asked § 87(2)(b) “Why’d you hit me?” § 87(2)(b) started crying and repeatedly said that it was an accident. After seeing § 87(2)(b) s reaction, PO Ramos determined that the jolt had been accidental and brought § 87(2)(b) to a standing position. He asked § 87(2)(b) if he was ok and if he needed medical attention. § 87(2)(b) declined medical attention.

§ 87(2)(g)
First, in the UF250 report he wrote both that § 87(2)(b) “grazed my shoulder with his hand” and that he “came from behind and pushed me” (encl. 9e-9f). During his interview he stated that the two descriptions both pertained to his being jolted in the back. In his memo book he wrote that he was

“hit in [the] back” by § 87(2)(b) (encl. 9b-9d). Second, although PO Ramos stated during his interview that § 87(2)(b) s legs went limp after he grabbed him and that he merely guided him to the ground, he wrote in his memo book that he pulled § 87(2)(b) to the ground. Moreover, he indicated on the UF250 report that he used force and checked the box for “suspect on ground.”

PO Ramos’ partner, PO Yolanda Maldonado, denied being present when PO Ramos brought § 87(2)(b) to the ground (encl. 10g-10h). When she arrived on scene, PO Ramos told her that § 87(2)(b) hit him in the back with his hand and that he felt like he was in danger because he did not know § 87(2)(b) s intentions and was not sure if § 87(2)(b) was grabbing for his weapon. PO Maldonado also admitted to viewing footage of the incident shortly afterward on the corner store’s security system. She described seeing § 87(2)(b) passing behind PO Ramos and recounted, “He kind of tripped a little bit, from the pavement, and with his left shoulder he had bumped into my partner’s back. That’s when my partner turned around, took the kid, and basically placed him on the floor.” She specifically stated that PO Ramos grabbed § 87(2)(b) s shoulders from behind his back and pushed him to the floor.

PO Alexis Bruno recounted seeing PO Ramos struggle with § 87(2)(b) from inside his RMP, which was parked on Flatlands Avenue between East 104th Street and East 105th Street (encl. 11e). He drove to the corner and parked, by which time § 87(2)(b) was on the ground. PO Bruno approached and attempted to assist by bringing one of § 87(2)(b) s hands behind his back. PO Maldonado arrived and PO Bruno left. He was with PO Ramos for a matter of seconds and never spoke to him.

Patrol Guide Procedure 203-11 requires officers to use minimum necessary force and to do so only under the appropriate circumstances (encl. 0a-0b).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

- **Allegation B—Abuse of Authority: PO Ralph Ramos stopped § 87(2)(b)**

As previously discussed, after feeling someone make contact with his back, PO Ramos spun around, grabbed § 87(2)(b) and brought him to the ground. § 87(2)(b) further recounted that, after bringing him to a standing position, PO Ramos asked for his name, date of birth, and school identification. § 87(2)(b) gave his name and birthdate but did not have school identification. PO Ramos stated that he requested § 87(2)(b)'s identification in order to complete a UF250 report, and he said that he never intended to arrest § 87(2)(b) or issue him a summons. However, he also said that he considered the possibility of an arrest for assault but ultimately believed that § 87(2)(b)'s physical contact with him was accidental. PO Ramos wrote "assault" in the section of the UF250 report in which an officer specifies the felony or misdemeanor he or she suspected.

An interaction between an officer and a civilian rises to the level of a stop "whenever an individual is physically or constructively detained by virtue of a significant interruption of his liberty of movement as a result of police action." *People v. Rios*, 27 Misc. 3d 963 (Sup. Ct. Kings Co. 20 W) (encl. 0e). An officer must possess reasonable suspicion that an individual is committing, has committed, or is about to commit a crime to stop him or her. Reasonable suspicion is the quantum of knowledge sufficient to induce an ordinarily prudent and cautious person under the circumstances to believe that criminal activity is at hand (encl. 0e).

§ 87(2)(g)

- **Allegation C—Force: PO Ralph Ramos restricted § 87(2)(b)'s breathing.**

§ 87(2)(b) alleged that PO Ramos knelt on his stomach after he brought him to the ground, and that his breathing was restricted for approximately 20 seconds. He tried to tell PO Ramos that he could not breathe but he could not speak, so he motioned to his throat.

§ 87(2)(b) stated that § 87(2)(b) lay on his stomach, and that PO Ramos put his knee into § 87(2)(b)'s back. She could not say for how long PO Ramos had his knee on § 87(2)(b). § 87(2)(b) None of the other civilians claimed to have been observing the incident at the time of the alleged action.

PO Ramos denied kneeling on § 87(2)(b)'s stomach and stated that § 87(2)(b) never complained that he could not breathe. Neither PO Maldonado nor PO Bruno ever saw PO Ramos kneel on § 87(2)(b)'s stomach.

§ 87(2)(g)

- **Allegation D—Abuse of Authority: PO Ralph Ramos searched** § 87(2)(b)

§ 87(2)(b) alleged that after he told PO Ramos that he did not have school identification, PO Ramos took his wallet and looked through it for identification. None of the civilian witnesses reported seeing PO Ramos with § 87(2)(b)'s wallet.

PO Ramos denied ever holding § 87(2)(b)'s wallet. PO Maldonado denied seeing PO Ramos with § 87(2)(b)'s wallet. PO Bruno left the scene before the alleged action would have taken place.

§ 87(2)(g)

Pod: 2

Investigator:	_____	<u>Daniel Giansante</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date